

HERITAGE MEMORANDUM
---------------------

To: Jonathan Goodwill

From: Robyn Conroy

Re: Lawson Clinic - 742-748 Pacific Highway GORDON NSW

AMENDED APPLICATION

Date: 25 June 2014

### **Proposal**

- Demolition of three houses at 742, 746 and 746A Pacific Highway.
- Consolidation and re-subdivision of lots including the excision of part of the curtilage of the heritage item at 748 Pacific Highway.
- Erection of a 3-4 storey building (three levels of consultation and accommodation over an access level (part basement, part above ground) to be used as a mental health care facility including consulting and in-patient residential accommodation.
- Alterations to the grounds of the property 748 Pacific Highway in association with the proposed development as well as continuing to use the existing building on the site for mental health services by the Lawson Centre.

### **Heritage Status**

The proposed development is within the area covered by the Ku-Ring-Gai LEP 2012 (Town Centres). Its heritage listing status is complex.

- The property at 748 Pacific Highway (part of the development site) is a Heritage Item and is within the St Johns Avenue Conservation Area (C16B).
- The development site is adjacent to (i.e. in the vicinity of) St Johns Church and Cemetery which is a locally significant heritage item under the LEP and also within the heritage conservation area.
- The site is also almost opposite the State Significant heritage item Tulkiyan (707 Pacific Highway).
- The site is also in the vicinity of 738 Pacific Highway (on the corner of Bushlands Avenue) and Oberon at 2 St Johns Avenue, each of which is a local heritage item.

It should be noted that although the main portion of the development site is not on the site of the heritage item nor within a heritage conservation area; the development will have direct physical impact on the setting and garden fabric of the Item at 748. Changes to the fabric of the heritage item include the reduction of its curtilage and the reconfiguration of garden, parking and access areas as part of the new use. The documentation submitted is contradictory with regard to the positioning of the proposed eastern façade of the development, but the drawing (DA-01.03 Site Reconfiguration Plan) shows the wall encroaching slightly over the existing boundary with the heritage item and the associated excavation and access pathway and green wall all well within the existing curtilage.

The Heritage provisions of the LEP and DCP relating to development of a heritage item, development within a HCA and development in the vicinity of a heritage item all apply to the proposed development.

An Amended Heritage Impact Statement (the Lawson Clinic Heritage Response) prepared by NBRSP+Partners has been submitted with the application. It was read in conjunction with the original Statement submitted with the earlier DA submission.

## **Context**

### **The setting**

The proposed development extends over four existing sites. The main building will be situated on the three battle-axe blocks sited behind 740, 744 and 748 Pacific Highway and will be accessed via the two driveways that flank both sides of 744 Pacific Highway. The property at 748 Pacific Highway is currently used by the Clinic and this use will continue.

Both 748 Pacific Highway and the main building footprint area abut the St John's Church and its Cemetery, the fall of land in the cemetery meaning that the development site is sited noticeably higher than the Cemetery and has the potential to overlook it.

The house at 748 Pacific Highway, now used as part of the Lawson Clinic, is a very good (externally; the interior was not inspected) and substantially intact Queen Anne house. It has retained important defining elements of the style including detailing such as the tall chimneys and complex roof form, both of which are clearly readable against the skyline and backdrop of trees when viewed from the highway. The garden of the property extended originally over the area to the rear (where the development is proposed) but has been eroded through successive subdivisions to a point where it includes only the area immediately surrounding the house. Most of the area behind the house is now paved and used for carparking in conjunction with the Clinic but a sense of garden has been retained due to the vegetation that is now on the site of the properties at the rear.

The driveways between 740/744 and 744/748 Pacific Highway have an aesthetically pleasing 'country lane' character due to the trees and vegetation that overhangs them and terminates views from the Highway.

### **Statutory Context**

The land to be developed is situated within the area covered by Ku-ring-gai LEP (Local Centres) 2012 and the Ku-Ring-Gai Local Centres DCP. It is zoned R4 (high density residential), which allows residential flat buildings and similar development. The proposed health care facility use is not permissible within the provisions of the LEP and development consent is being sought under the provisions of the SEPP (Infrastructure) 2007. The SEPP overrides the LEP in that it allows the proposed land use to be approved; but also allows the consent authority to refuse to grant consent if it considers that the development would be incompatible with surrounding land uses, including having regard to the environmental impacts on these surrounding land uses. It also allows the consent authority to demand site and design features that are more stringent than those granted in a site compatibility certificate.

The SEPP has the effect of making the proposed use permissible in the R4 zone, but does not override the other provisions of the LEP and DCP, including those relating to heritage impacts. In this regard, 'standard' residential flat development of the density permissible under the zone would be subject to setback controls under the DCP that would require building footprints to be set substantially further back from the boundaries of adjacent properties than is proposed. The DCP does not identify specific setbacks for hospitals or health care facilities and relies instead on case-by-case assessment of environmental (including heritage) impacts. The DCP does however identify minimum setbacks for any type of development adjacent to a heritage item (see Part 7.3 below).

### ***Ku-ring-gai LEP (Local Centres) 2012***

The LEP includes objectives and development provisions that are to be satisfied when development is on the site of a heritage item, in a heritage conservation area or in the vicinity of an item or area.

The proposed development is (partially) on the site of a heritage item, is within a heritage conservation area and is in the vicinity of both heritage items and a heritage conservation area.

The following aims of the LEP are particularly relevant to the assessment of the heritage impacts of the proposal:

- (b) to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources in Ku-ring-gai for the benefit of present and future generations,*
- (f) to recognise, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage,*
- (j) to protect the ..... the special aesthetic values of land in the Ku-ring-gai area.*

The following heritage objectives (cl 5.10) of the LEP apply to the proposed development:

- (a) to conserve the environmental heritage of Ku-ring-gai,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Cl. 5.10 of the LEP also requires the consent authority to consider the effect that the proposed development will have on the heritage significance of each of the heritage items and heritage conservation areas concerned before it grants any consent for the development. These matters are identified in more detail in the Development Controls Plan.

### ***Ku-ring-gai Local Centres DCP***

The DCP includes more detailed requirements for new development affecting a heritage item or within a heritage conservation area. These include minimum setbacks for new buildings and the stepping back of walls that are necessary to ensure that the new development will not overwhelm

the historic fabric and its setting. The aims of the heritage controls are relevant to the assessment of the heritage impacts of the proposed development:

- Retain and enhance the heritage items, HCAs and their associated settings in the Local Centres;
- Ensure the heritage significance, streetscape and landscape character of HCAs are maintained;
- Ensure alterations and additions to existing heritage buildings respect those buildings and do not compromise the significance and character of the individual heritage items or the HCAs; and
- Ensure new development in the vicinity of heritage items and HCAs respects the heritage context and is sympathetic in terms of form, scale, character, bulk, orientation, setback, colours and textures and does not mimic or adversely affect the significance of heritage items or HCAs and their settings.

The St Johns Avenue heritage conservation area (C16B) is described as follows:

*St Johns Avenue: a gently curving street sloping down from Pacific Highway. Unusual and dramatic for its narrow carriageway and wide grassed street verges planted with mature Brush Box street trees on both sides. Limited street parking due to narrow carriageway.*

*Oberon Crescent: a narrow cul de sac off St Johns Avenue, with parking on both sides. Circular planting bed in carriageway at end of the street defining a turning circle, containing one street tree and groundcover planting. No footpaths. Low shrubs as street planting.*

*Pacific Highway: includes two heritage-listed properties – St Johns Church at 750-754 Pacific Highway and a Federation/Queen Anne house at 748 Pacific Highway.*

*Built Character: A mix of single and two-storey Federation and Inter-war single-storey buildings. Notable buildings include the two-storey, c1950s Inter-war Functionalist house on the corner of Oberon Crescent, the Blacket-designed St Johns church group from the 1870s and 1890s, and a Queen Anne style house at 24 St Johns Avenue. Materials: Generally face brickwork for walls, unglazed terracotta tile roofs, and timber-framed windows.*

### Compliance with the DCP

The following table summarises the provisions of the DCP that are relevant to the development, the degree to which the development satisfies the controls/issues of concern and ways in which adverse heritage impacts could be prevented or minimised should Council decide to support the application. Note that each section of the DCP includes specific objectives relevant to the controls.

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
---------	---------	---

**Part 7.1 applies to heritage items that form part of a development site (i.e. 748 Pacific Highway). It is relevant to the proposed eastern wall of the development which according to the submitted drawings (DA-01.03 Site Reconfiguration Plan) is either on or very slightly over the boundary and thus within the site of the item; plus the excavated area, green wall, access stairs, reconfigured parking and access arrangements and landscaping are all on the site of the item). Part 7.1 is also relevant to the proposed reduction in the curtilage of the heritage item following re-subdivision.**

### Objectives

1. To retain and conserve items of	The heritage item at 748 is being substantially retained as part of the proposed development,
------------------------------------	---

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
<i>historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.</i>	<p>although its curtilage will be eroded and fabric of garden and landscaped areas altered.</p> <p>No active conservation works are proposed to significant spaces or fabric (no information has been provided re possible necessary works).</p> <p>The proposed landscaping and access works will alter the fabric and setting of the item somewhat but the nett effect will be neutral in terms of retaining the heritage item.</p>	
<i>2. To encourage the conservation and restoration of heritage items.</i>	The proposed development application makes no commitment to the ongoing conservation and restoration of the heritage item. It will however prevent the conservation of part of the site by excising it and including it in the new development.	<i>Establish a firm economic nexus and ongoing commitment to the proactive conservation of the fabric and setting of the heritage item at 748 Pacific Hwy. (Note also other comments below re the issues relating to subdivision)</i>
<i>3. To enable the viable adaptive reuse of heritage items, and their integration into the physical, cultural and economic life of the area.</i>	The heritage item has already been adapted for a new use (residential to consulting rooms).	N/A
<i>4. To ensure that car parking facilities do not have any adverse visual impact upon heritage items.</i>	The existing car parking facilities at the rear of the item have an adverse impact on the setting and aesthetic values of the heritage item by providing negligible garden or vegetated spaces. It is understood however that they were approved by Council; and further are readily reversible. The design of the development as proposed, with its several levels of car parking, ambulance bays with high clearance etc have the effect of further lifting the main structure and increasing its scale and bulk.	<i>Retain the potential to revert the area to the rear of the house to a planted garden at some time in the future.</i>

***Although no work is proposed to the existing house, the proposed landscaping and access works are within the curtilage of the item, and the eastern wall, green wall and stairs/ramps of the proposed new building at the rear will be sited within or very close to (see above) the boundary. These works are therefore subject to the provisions relating to alterations and additions to heritage items.***

***The following detailed requirements apply to any development on the***

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
<b>site of a heritage item:</b>		
1. Alterations and additions must respect the scale, form, height, location, materials and colours of the heritage item.	<p>The built form of the proposed development is consistent with contemporary commercial design and its intended use as a health care facility. It does not attempt to respond to the physical characteristics of the heritage item. This is appropriate in the circumstances. The main issue of concern in this regard is the location of the proposed development with regard to that of the heritage item. The item is located traditionally on its site, being set back from all boundaries (with greater setbacks to the street and rear). The proposed development does not address any street (other than via the battleaxe driveways) and is sited over almost the entire northern half of its site, being set very close to the northern and western boundaries and on the eastern boundary (with 748). This placement does not respect the pattern of development seen on the heritage item.</p> <p>The amended proposal shows significantly greater attention to form, modelling and detailing than the earlier design. The plans show that the part of the elevation adjacent to the heritage item will be finished with a 'green wall' (vegetation planted in vertically arranged planter boxes to create a visually dense screen in a narrow space). If planted and maintained properly this will help to reduce the essential incompatibility of the two built forms and help to ameliorate the impact of an otherwise uncomfortable juxtaposition of built forms.</p> <p>The development on the site of the heritage item also includes changes to the carparking area, access driveways and garden plantings.</p> <p>The use of the rear garden area of 748 has already been accepted by Council as part of the earlier approval of the Clinic at 748 Pacific Highway. Its reconfiguration to provide access from the driveway between 744 and 748 will not introduce any further intrusive element to this part of the garden and the small area of additional planting will help (in a modest way) to reduce existing aesthetic impacts of the carpark.</p> <p>Although the traditional driveway on the northern side of the heritage item will no longer read as a</p>	<p><i>A more sympathetic spatial relationship could be achieved with greater setbacks of the main building from its boundaries.</i></p> <p><i>The proposed green wall to the new building should be required to be designed, planted and maintained in perpetuity to provide a visually dense separation between the heritage item and the new facility.</i></p> <p><i>Driveways and pathways should be of dark-toned and traditional finish, for example asphalt, to minimise their visual prominence. Light surfaces such as white concrete will not be appropriate, nor will loose surfaces such as gravel (due to the need to comply with the requirements of the BCA).</i></p>

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	driveway once re-landscaped as a pedestrian path, this alteration will be generally consistent with the traditional setting of the heritage item; and further, the proposed planting in this area will help to minimise the visual impact of the proposed main building in views down the driveway.	
<i>2 The external building features of a heritage item are to be conserved. The interior spaces and internal fabric of heritage items are to be retained where they are significant.</i>	Complies	
<i>3 Architectural details can be interpreted but not replicated.</i>	The new façade will make no reference to the traditional architectural detail of the item. This is appropriate given the new use and distinctly different built forms.	
<i>4 The scale of additions and alterations to a heritage item must respect the existing roof ridge and eave heights.</i>	<p>The scale of the eastern edge of the proposed new building pays no overt respect to the existing roof ridge and eave heights.</p> <p>The proposed green wall will help to minimise the abrupt and otherwise unsympathetic juxtaposition between the heritage item and the new building.</p> <p>The further setting back of the eastern elevation of the new building (compared with the original DA submission) will allow the views of the Federation roof form of the house from the highway (including its chimneys) to continue to read clearly.</p>	<i>See above re quality and maintenance of the green wall</i>
<i>5 Extensions, alterations and additions must be located at the rear or side of the building to maintain the streetscape integrity.</i>	<p>Complies.</p> <p>The proposed new building sits on (or close to) the rear boundary of the heritage item. This will allow it to be able to be read as being set well behind the heritage item in streetscape views.</p>	
<i>6 Extensions must not visually dominate or compete with the original scale of the existing buildings to which they are added.</i>	Not strictly applicable. The proposed development does not constitute an extension to the existing building fabric. The eastern façade of the new building (and the rest of the building of which it forms part) will however visually dominate the rear	<i>Further separation between the heritage item and the new building would help to reduce the sense of spatial domination that will result</i>

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	of the heritage item.	from the scale and siting of the development.
7-9. Fences.	<p>Not applicable. The front fence and retaining wall do not appear to be contemporary with the construction of the house – they appear likely to have been built when the highway was widened. The fabric (cement rendered retaining wall and low timber picket fence) is not likely to have contributory heritage value.</p> <p>The drawings do not provide detail of how the fence and wall will be reinstated following construction of the driveway splay.</p>	<p><i>The finishes and detailing of the retaining wall and fence above the proposed driveway splay should read as being part of the main front fence.</i></p>
10-14 Car parking	See above. The existing rear garden has been paved for use as a parking area. This has already affected the aesthetic and historic values of the heritage item. The area will be reconfigured with access via the central driveway rather than the northernmost and general landscape improvements made to soften its impact on the development generally. The parking will remain at the rear of the item.	
<p><i>Gardens and landscaping</i></p> <p><i>15 A suitable setting for the heritage item is to be retained.</i></p>	The rear garden area of the heritage item has been replaced by carparking for the existing clinic which is unfortunate in terms of its impact on the aesthetic qualities of this area at the rear of the house, although the paved area does allow the configuration of the rear to be appreciated without obstruction. The existing paved area is also potentially fully reversible.	
16 Gardens, garden structures, landscaping and vegetation which contribute to the significance of a heritage item are to be conserved.	The proposed development will result in the permanent loss (in both legal and visual contexts) of the narrow area of soil at the rear of the existing carpark. This narrow garden area will be replaced by a 'green wall', an access path and excavated stairway linking the existing ground level to the lower level of the new building to the west.	As above (setbacks and required quality and ongoing maintenance of the green wall)
17 Traditionally designed gardens that enhance the	The southern end of the carparking area will be reconfigured to provide vehicular access and the	



Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
<i>appearance of historic houses and streetscapes are encouraged.</i>	<p>western edge of the carpark.</p> <p>The retention of the front garden character between the historic house and the Highway is appropriate.</p> <p>The submitted plans are contradictory about the trees and plants to be removed and the replacement species. For example; Landscape plan Lot 2 (L003) and Deep Soil Landscape (L005) suggest that the semi-mature Camphor Laurel and adjacent trees in the front garden area will be retained; as does the Existing Streetscape and Demolition Plan (DA-01.14) but the Existing Site Plan (DA-01.02) suggest that it and other trees in the front garden will be removed. This needs to be clarified.</p> <p>The Landscape plans also reveal that part of the retaining wall to the Pacific Highway will be demolished to create a splay to the driveway. The existing retaining wall is a non-descript cement rendered wall with small picket fence above. It is not likely to be of high intrinsic heritage value, but no information has been provided of how this detail will be resolved.</p>	<p><i>Further information is required to clarify which trees are to be removed and the details of replacement planting.</i></p> <p><i>Any new splay corner and new retaining wall and fencing should read as being part of the main front fence and retaining wall.</i></p>
<p><i>Subdivision:</i></p> <p><i>21 Subdivision of a heritage item will only be supported where:</i></p> <p><i>(i) evidence of the historical setting, landscape and subdivision pattern can be recognised and/or retained;</i></p> <p><i>(ii) the subdivision does not adversely affect the cultural significance of the heritage item.</i></p>	<p>The original lot on which the house at 748 was erected is understood to have extended to the boundary with what is now 22 St Johns Avenue. The land has been eroded over the years by the creation of the battle-axe lots 746 and 746A Pacific Highway; and the rear boundary of 748 currently aligns just to the west of the carpark behind the house. The development proposes the re-subdivision of the land to move the rear boundary of 748 by approximately 1400-2400mm to allow the new building to be sited on (or very close to) the existing boundary whilst still meeting BCA requirements for building setbacks. This will maximise the footprint of the hospital development beyond what would be permissible should the existing boundary be maintained.</p> <p>The new clinic building will effectively replace the existing boundary fence at the rear of the carpark and given that the parking area will read as part of the development of the wider Lawson Clinic facility, the visual impacts of the amended boundary will be minor (note that this refers to the heritage</p>	<p><i>Reduce the footprint of the building to achieve BCA compliance without the need to reduce the curtilage of the heritage item.</i></p> <p><i>If this is not done, legally binding commitment to the ongoing conservation and care of the fabric and setting of 748 Pacific Highway should be required as part of any consent. .</i></p>

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
---------	---------	---

significance of the boundary itself, not that of the proposed building that will be facilitated by the realignment).

It should also be noted that retaining the heritage item on separate title will allow the two parts of the Clinic (existing in the house and the new facility behind) to potentially be sold separately, with the new site having gained the benefit of part of the heritage item's curtilage. There is no stated or evident benefit or compensation identified for the heritage item (such as a commitment to conservation works) from the further erosion of its historic curtilage. This should be addressed.

The land excised will remain within the curtilage of the heritage item unless the LEP listing and map is amended.

***Part 7.2 does not apply (the heritage items are within a heritage conservation area)***

***Part 7.3 applies to the development (being development in the vicinity of a heritage item).***

***Most of the development is to be sited on land currently known as 742, 746 and 746A Pacific Highway. This land is adjacent to both the heritage item 748 Pacific Highway and the St Johns Church and Cemetery 750-754 Pacific Highway. It is also in the vicinity of the State significant item Tulkiyan (707 Pacific Highway) and to a lesser degree, 738 Pacific Highway and 24 St Johns Road.***

***See comments re Part 7.1 above re the impact on the heritage item at 748 Pacific Highway (which is both part of the development site and in the vicinity of the remainder of the proposed development).***

The objectives for any development in the vicinity of a heritage item are as follows:

1. *To ensure that new development respects the heritage significance of the adjoining or nearby heritage item.*

The proposed development will also have a notable impact on the adjacent St Johns Church and Cemetery and their settings due to the siting, scale and detailed design of the development.

The development will be sited adjacent to the existing church halls but will be clearly visible from

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	<p>within the publicly accessible and historically, aesthetically and socially significant cemetery.</p> <p>The relative topography of the development site and the Cemetery needs to be considered in this context. The land falls away quickly from the site and the Cemetery is set significantly lower in the landscape. When within the cemetery and looking across it to the south-east (in the direction of the proposed development) the existing aesthetic quality of the cultural landscape is evocative, with monuments and the skeletons of trees (in the colder months) forming the skyline. This significant quality will be affected if the building is constructed as close to the boundary, and without effective screen planting, as is proposed.</p> <p>The two halls contribute to the heritage significance of the Church group, but may need to be replaced or altered in the future, and it cannot be assumed that they will always at least partially screen the proposed development from the main public gathering place within the church grounds.</p> <p>The amended plans show the new building set further from the boundary and changes made to the façade treatment and landscaping to help ameliorate the impacts of the abrupt change in scale and form between the two properties.</p> <p>The still narrow setback of the northern wall of the development from the boundary (between 3400 and 6800 (to the upper levels) is shown well planted with species that will provide a very pleasant garden area for users of the Clinic but will do little to soften its impact on the aesthetic qualities of the Cemetery in particular. At present, the southern boundary of the Cemetery is defined by a timber fence, above which the roof of the existing single storey house at 746A can just be seen. The remainder of this view is of the sky and the upper areas of vegetation on adjoining properties.</p> <p>The main effective screening between the two sites is provided by the Op Shop building (a traditionally scaled and proportioned weatherboard structure) and the mature jacaranda within the cemetery area.</p> <p>The plans show what appear to be two substantially</p>	<p><i>The footprint of the building could be moved further to the south to increase the area for screening and softening vegetation and to further reduce the apparent scale of the new building on the setting of St Johns Church and its Cemetery.</i></p>

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	<p>canopied trees adjacent to the space between the Hall and Op Shop; but these appear to be <i>Archontophoenix alexandrae</i> (Alexandria Palms) which have negligible landscape or screening qualities and are more appropriate in coastal resort developments than in this culturally and visually sensitive context (note that these may be existing trees – the plans are not specific). This does not mean however that they should not be replaced by more appropriate screening species.</p> <p>The other ‘screening’ tree at the north-western corner of the site is a <i>Tibouchina grandulosa</i>, which will grow to only c5m at maturity and will not be capable of screening the upper levels of the development in any effective way.</p> <p>It is noted that the documentation submitted with the DA suggests that part of the Church site (Hall and Op Shop) will be redeveloped. No information has been provided to substantiate this and it is understood that no DA has been approved for any development of this type. Reliance on conjectural development on other sites cannot be considered a valid justification of any inadequacies of form or siting of the subject development.</p> <p>Impacts on the other heritage items in the vicinity will be less overt. Although the new building will potentially be visible from each of them, or from the streetscape near them, the main impact will be through the loss of vegetation in the setting of the subject site and the visibility of parts of the new building from these items. This is not likely to have adverse impact on the heritage values of these items.</p>	<p><i>The Alexandra Palms proposed near the view to the site from between the Church Hall and the Op Shop should be replaced by trees with good screening canopies and growth to at least 15m at maturity.</i></p> <p><i>A taller screen tree could also be considered for the north-western corner of the site.</i></p>
<p>2. <i>To ensure that new development does not visually dominate a heritage item.</i></p>	<p>The proposed development will visually overwhelm the adjoining heritage items unless the landscaping and preferably the setbacks are further improved.</p> <p>The scale of the proposed development is akin to a residential flat building of the type facilitated under the LEP; but the DCP does not prescribe similar controls for building setbacks.</p> <p>The peripheral landscaping includes areas that will provide pleasant spaces for users of the facility but</p>	<p><i>Improve landscaping as above.</i></p> <p><i>Setting the building further from the boundaries (to the extent that would be required for a similarly scaled residential building) would prevent the development from visually dominating the adjacent heritage items (and</i></p>

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	little ameliorative screening (see above).	<i>other properties).</i>
3. To ensure that new development does not reduce the views from or to the heritage item from the public realm.	The proposed development will form the backdrop for views over the publicly accessible St Johns Church grounds and Cemetery. These views will not be obstructed but their quality will be reduced by the introduction of a large structure into what is currently a domestically scaled rooftop/vegetated and skyline view.	As above (siting and screening)
4. To ensure that new development does not impact on the garden setting of the heritage item, particularly in terms of overshadowing the garden or causing physical impacts on important trees.	The subject site is located to the south of the St John's group and providing that excavation is carried out carefully there should be no impact on significant trees within the St Johns group (Church and Cemetery)	A Condition requiring this should be included on any consent.

Detailed controls for development in the vicinity of a heritage item:

1. Development in the vicinity of a heritage item is to be sympathetic to the heritage item having regard to:	It is noted that the heritage values and characteristics of the two adjoining heritage items (the house and church/cemetery) are quite different; and that achieving an outcome sympathetic to both items may be challenging. This does not mean however that it cannot be achieved.	
i) form of the building including height, roofline, setbacks and building alignment;	<p>The form of the building has been amended in response to Council's earlier advice to the proponent, including heritage concerns. The form, height, roofline, setbacks and building alignment have all been amended to address (partially) the major issues.</p> <p>The impacts of the proposed development (as amended) on the heritage item at 748 Pacific Highway have been addressed in detail above (under Part 7.1).</p> <p>The form of the building as it impacts the St Johns Church and Cemetery has been modified to set it slightly further from the common boundary and to</p>	As above (siting and screening)

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	<p>improve the landscape buffer between the two uses.</p> <p>The height of the building in the vicinity of the St Johns Church group is 3 stories above ground level, with a flat roof form.</p> <p>This roof form is acceptable in terms of heritage impact as it is appropriate to the vocabulary of the architectural style of the new development and also because it prevents additional visual bulk to the structure that would otherwise further increase its visual dominance of the St John's group, particularly the south-eastern portion of the Cemetery and views over the Cemetery generally.</p> <p>The aspect of the design of the building that will have the most significant impact on the heritage significance of the adjoining heritage items is the setbacks from the boundaries.</p> <p>Although the amended plans have set the footprint slightly further from the boundary with St Johns than the original proposal; it is considered that there is still considerable space on the development site to either set the building well to the south and/or extend the footprint in conjunction with reducing the height to a more modest 2 stories. This would significantly reduce the impact of the proposed development on the heritage significance of the adjoining heritage items (including 748 Pacific Highway) and would also help to reduce the overwhelming character of the long wall that will overlook and overshadow the property at 22 St Johns Avenue (which is not a heritage item or within the heritage conservation area).</p>	
<p><i>ii) proportions including door and window openings, bays, floor-to-ceiling heights and coursing levels;</i></p>	<p>The proportions and detailing of the elevations overlooking the heritage items have been redesigned in the amended proposal and the development will now read as a commercial development as a result in part of its fenestration, which include sealed windows and lack of balconies or domestic details overlooking the heritage items and window screening to discourage casual overlooking of the cemetery. This latter detail is consistent with the proposed use of the Clinic.</p>	

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
<i>iii) materials and colours;</i>	<p>The proposed palette is typical of contemporary development in Ku-ring-gai. Colours are generally neutral and tones range from light to dark.</p> <p>The impact of the proposed building as the backdrop to views over both 748 Pacific Highway and the St Johns Church and Cemetery will be further minimised if a tonally neutral colour is used on the northern and eastern facades of the development. This will also help to minimise the impact of the development in the setting of SHR listed Tulkiyan.</p> <p>All finishes should also be non-reflective.</p>	<p><i>Neutral and tonally quiet colours should dominate the eastern and northern walls of the new building (they would also be appropriate on the other elevations given the proximity of the development to other residential development in the vicinity.)</i></p>
<i>iv) siting and orientation;</i>	<p>The footprint of the building was amended following Council's earlier advice to the proponent and the suggestion that the building extend over the property 742 Pacific Highway to allow the new building to be set well back from the heritage items to minimise its heritage impacts.</p> <p>Although the setbacks have been increased slightly in response, much of the site of 742 remains undeveloped. As noted above, moving the footprint of the building further onto this site would allow more sympathetic setbacks to be achieved and the impacts of the proposed development on the setting and views of the heritage items minimised.</p> <p>Another (not necessarily mutually exclusive) option would be to increase the footprint further onto 742 and also reduce the height of the building by up to one storey, which would reduce the impact on the setting of the heritage items and also the amenity of adjoining residential properties, since the structure would be less visually overwhelming.</p> <p>The proposed development will not overshadow the St Johns church or cemetery and will overshadow the carpark behind 748 Pacific Highway in the afternoon. The impact of this shadowing will not have significant adverse impact on the heritage significance of the item given that it is also used as</p>	<p><i>As above (increase setbacks, deep soil planting to allow softening of interface and provide north-facing garden areas for users).</i></p>



Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	part of the Clinic (ie is no longer residential).	
v) <i>setting and context;</i>	See previous comments.	
vi) <i>streetscape patterns.</i>	The proposed development will not alter existing street layout patterns but will affect the aesthetic qualities of the detailed views within the streetscape (for example the loss of the softening trees and vegetation lining the two proposed access driveways).	As above
2. <i>An applicant's Statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on a heritage item, including its garden and setting.</i>	A Heritage Impact Statement has been submitted, with a revision addressing the amended design.	
3. <i>Significant views to and from heritage items are to be protected.</i>	See above. Significant views over the cemetery from the public domain (including the publicly accessible church grounds and cemetery) will be altered by the proposed development through the replacement of a modest roof form and garden plantings with a large, three-storied and (superficially) commercially detailed building. The fact that the character of the background will change is consistent with the wider controls of the Town Centres LEP, but it is important that the impact of the new building is reduced as much as is possible in order to protect significant views over the cemetery and church grounds in particular.	As above
4. <i>Development in the vicinity of a heritage item must respect the curtilage and setting of that item.</i>	See above re the impacts of the proposed subdivision on 748 Pacific Highway.  Also see above re the impacts on the aesthetic and historic qualities and heritage values of the St Johns group and the cemetery in particular.	As above



Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
<i>5. An application for development in the vicinity of a heritage item must demonstrate that the construction process will not result in damage to the heritage item or its setting.</i>	<p>The application includes technical reports addressing the excavation and construction process. Most of the significant trees on the main development site are to be removed either because they conflict with the location of the proposed building or to facilitate the construction process.</p> <p>The excavation of much of the development site (and part of the site of the heritage item at 748) to provide carparking and the lowest level of the facility will be sufficiently removed from the significant spaces of the heritage items that the likelihood of physical damage is modest providing that standard precautions are taken.</p>	
<i>6. Required building setbacks – development set in a residential context</i>	<p><i>Note that these setback requirements are separate to the requirements for setbacks of different types of development in Volume A of the DCP. The heritage setback controls apply to all development in the vicinity of a heritage item that is set in a residential context. It is not limited to development for residential purposes.</i></p> <p><i>The proposed development is located within a residential context. All surrounding development (with the exception of the church and cemetery) is residential as is the prevailing zoning.</i></p> <p><i>It is also situated within a garden setting; as are both the Cemetery and heritage item at 748 Pacific Highway.</i></p>	
<i>In addition to the side and rear setback controls in Volume A Parts 3-9 of this DCP, new development adjacent to a heritage item must comply with the following:</i>	<p><i>Note that Parts 3-9 of Volume A do not apply to this application since it is not for a purpose nominated in those Parts.</i></p>	

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
<i>i) must have a minimum 12m building separation to the heritage item (more if side setback requirements are not met within the 12m) as per Figure 7.3-3;</i>	<p>Assessment of the proposed building separations is complex and potentially open to challenge given the wording of the DCP and the form of the development.</p> <p>Setbacks to the building on 748 Pacific Highway comply.</p> <p>Setbacks to the ancillary structures of St Johns Church and the cemetery do not comply with this requirement, being only 3400-6800m from the boundary of the heritage item and having a separation of structures of approximately 5m from the Hall and between 6 and 7m from the Op Shop.</p>	<i>As above</i>
<i>ii) must not exceed a facade height of 8m from existing ground level;</i>	Does not comply – the façade height to the eastern and northern elevations is c9.8m.	<i>As above</i>
<i>iii) any building mass above 8m high from existing ground level must be stepped back an additional 6m from the heritage item as per Figure 7.2-4, Figure 7.3-3, Figure 7.3-4;</i>	<p>Does not comply with the applicable parts of this sub-clause.</p> <p>(Figure 7.3-4 (stepping of setbacks) applies specifically to Residential Flat development in the vicinity of a heritage item and hence does not apply to the proposed development.)</p>	<i>As above</i>
<i>iv) front setbacks must be at least 2m more than the front setback of the adjoining heritage item, for that portion of the new building whose height exceeds the height of the heritage item.</i>	Complies/not applicable	<i>As above</i>
<i>v) where variations in setbacks exist the larger setback will apply;</i>		

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
---------	---------	---

vi) any new development must have a maximum 36m wall length to any boundary.	Complies re the heritage items. Does not comply in respect to the other boundaries of the development (the clause applies to any boundary of the development; not just those adjoining the heritage items).	As above
--	---	----------

7. Screen planting on side and rear boundaries adjoining a heritage item site is to achieve a minimum mature height of 4m.	Not assessable due to lack of detailed information regarding the form and extent of the green wall and the species selection to the St Johns elevation.	As above
--	---	----------

8. Front and side fences are to be no higher than the fence of the adjoining heritage item. Front fences must be open and transparent such a timber picket or metal palisade. Side fences are to be timber. No metal panel fencing is to be constructed on any heritage item boundary.	Complies. The proposed fence to St Johns (a 'side' fence of the development) is shown as being 1800mm lapped and capped timber fence for part of its length and a masonry wall for the remainder. It should be noted however that a solid wall of this height along a northern boundary will cast almost permanent shadow over the 'landscaped' area between the fence and the new development and species should be selected accordingly.	
--	--	--

**Part 7.4 applies (alterations and additions in heritage conservation areas) (The property 748 Pacific Highway (part of the development site) is also within the C16B St Johns Avenue heritage conservation area). The following comments relate to this part of the development only, and are similar to those that have been addressed above.**

Objectives:

1. To retain contributory buildings within the HCA.	Not applicable	
2. To ensure that new development retains the identified historic and aesthetic	The development does not include alterations or additions to the house at no.748, nor will its use change. The re-subdivision to move the boundary	See above.

Control	Comment	<i>Action/s recommended to prevent/minimise impacts on heritage values</i>
---------	---------	--

<i>character of the HCA in which it is situated.</i>	and the subsequent development will have some impact on the historic integrity and aesthetic character of the heritage conservation area through the introduction of a very different built form.	
--	---	--

<i>3. To ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes through appropriate design and siting.</i>	The issues arising from the design and siting of the proposed development have been addressed in detail above.	See above.
--	--	------------

<i>4. To maintain and enhance the existing heritage character of the streetscape and the precinct.</i>	The proposed development will not have a significant adverse impact on the heritage values of the heritage conservation area other than through the issues of building scale and siting identified above.	See above.
--	---	------------

The detailed controls for development within a heritage conservation area are relevant to domestic scaled development and /or address the same issues as have been identified above. No changes are proposed to the building fabric at no.748.

***Part 7.5 does not apply (infill for single residential dwellings)***

***Part 7.6 applies to the development (development in the vicinity of a heritage conservation area). The development site is situated in a prominent position relative to the heritage conservation area, forming the backdrop to views over the edges of the Area from major public places such as the Pacific Highway and the cemetery and grounds of St Johns Church.***

***It should be noted however that the heritage conservation area includes land (including the heritage items 748 Pacific Highway and St Johns Church) in the R4 High density residential zone. This inherent conflict is not addressed in the DCP controls.***

Objectives:

<i>1. To ensure that development in the vicinity of the conservation area respects the HCA's character and setting.</i>	The proposed development is generally in accordance with the character envisaged for the higher density zones of the town centre. Although some parts of the development have respected the traditional low-density residential qualities of the HCA and its setting, the overall scale, form and	<i>Ensure that the development has a good quality interface with the heritage conservation area.</i>
---	---	--

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
	siting do not.	
2. To create a buffer that protects the visual cohesiveness of the conservation area.	Not applicable. The siting of the development along the edge of the HCA will not buffer or protect the cohesiveness of the conservation area since the built forms proposed are not consistent with the prevailing traditional and detached residential character of the St Johns precinct.	
3. To provide a visual transition between medium/high density residential development and the HCA.	Not applicable. The proposed development exceeds many of the numerical controls for medium or high density development in the Town Centre. Its potential to provide a transitional form is therefore limited.	As above.
4. To conserve the amenity of buildings in the HCA including privacy, sun access, acoustic control and natural ventilation.	<p>The non-residential use and site characteristics of the proposed development and the adjacent land within the heritage conservation area will help to minimise significant adverse impact on the amenity of users. Significant amenity impacts will however be likely to be experienced by occupants of other adjacent properties not within the heritage conservation area.</p> <p>Other amenity impacts on the heritage conservation area such as shadowing etc are minimised by the configuration of the sites.</p> <p>The potential issue of conflicts for users inherent between the juxtaposition of a suicide prevention facility and cemetery has been addressed in a physical manner through the provision of screens to the windows overlooking the cemetery. This may not be sufficient to prevent tragic outcomes, and the social incompatibility of the two uses in the context of the proposed development should not be taken lightly in the decision making process. The historic social use of a cemetery is to bury dead people, and no use should be allowed on land overlooking and adjoining a cemetery that may challenge the viability of this use in the future as an inappropriate one in this location.</p>	<p><i>Environmental impacts are acceptable but could be further improved.</i></p> <p><i>Social impacts may be more challenging to resolve and cannot be conditioned as part of any consent.</i></p>

Control	Comment	Action/s recommended to prevent/minimise impacts on heritage values
5. To protect significant views and vistas to and from the HCA.	See above – views over the site from the cemetery.	As above
6. To ensure that the scale of new development in the vicinity of the HCA is in harmony with the streetscape and does not dominate, detract from or compete with the HCA.	See above	As above.
Detailed controls	The detailed controls relevant to development in the vicinity of a heritage conservation area and issues that arise are consistent with the matters identified above.	

The DCP also includes specific controls for the HCA that must be complied with (for the property 748 Pacific Highway). Part 7.7.15 identifies the controls for the St Johns Avenue heritage conservation area. The description is relevant to the subject development, but the detailed controls focus on residential development that is not of relevance to this application.

### **Summary of issues and recommendations to prevent or minimise adverse impacts arising from the proposed development**

The heritage status of the site is complex, and includes a heritage item and a heritage conservation area within the area to be developed and additional heritage items and a larger part of the heritage conservation area in the immediate vicinity.

The proposed development will introduce new uses, built forms and ancillary development that will have the potential to have an adverse impact on the heritage significance of the heritage items at 728 Pacific Highway and St John's Church and Cemetery and also the St John's HCA. The likelihood of these impacts has been largely addressed in the amended submission but further amendments would assist in achieving a more successful heritage outcome. These include:

- Siting of the building footprint. The earlier recommendation that the development include the site of 742 Pacific Highway in order to improve the form of the development and setbacks from boundaries was partially adopted. The proposed siting is still however

mainly on the northern part of the site with the southern mainly garden area; much of which will be overshadowed by the development.

- It is recommended that the development be amended to move the footprint of the proposed new building further to the south, and into the site of 742 Pacific Highway if necessary in order to provide complying setbacks and stepping of built forms as required in the DCP.
- The setbacks from St Johns Church and Cemetery, although slightly wider under the amended proposal, could be extended still further. This would also allow more space for substantial trees and deep planting to help minimise the impact of the proposed development on views over and from the Cemetery in particular. It would also improve usability and amenity of open spaces for users of the Facility.
- Increasing the footprint (or potentially splitting the footprint into several smaller blocks to reduce the monolithic qualities of the scale and form) over a wider area would potentially allow the overall height of the development to be reduced to two levels above natural ground level. If this is not a practical outcome given the functional requirements of the facility, the bulk of the development could be located closer to the south-eastern part of the site adjacent to other (non heritage listed) properties that are also zoned for high-density residential development and which are therefore not as vulnerable to the environmental and heritage impacts caused by large differences in building scale and form.
- Further details should be provided to clarify the details of the proposed landscaping (including trees proposed to be removed) and splay corner to the street elevation of 748 Pacific Highway.
- If the setback and screen planting issues are not resolved the screening of the development from the main publicly accessible spaces at the rear of St Johns and its ancillary buildings will rely on the retention of the utilitarian buildings. In addition, should one or more of the hall and Op Shop buildings be demolished at some time in the future the development will be very exposed in views from the Church; and should that part of the site be redeveloped the amenity of the narrow landscaped setbacks within the site of the Lawson Clinic will be likely to be compromised.
- The issue of potential psychological conflict and trauma being caused by the proximity of the two uses (hospital and cemetery) by patients who may stay at the facility for extended periods needs to be considered very carefully, but it should be noted that any use or design feature of the development site that that may lead to a demand (now or in the future) to close or modify the cemetery should not be approved.

Other design details:

- Species selection both in front of 748 Pacific Highway and along the boundary with St Johns: the Alexandra Palms shown in the plans will provide no effective screening and will not be appropriate in immediate proximity to the two heritage items. They should be replaced by more suitable species in consultation with Council's Landscape officers.
- Tonally neutral colours and non-reflective finishes should be required to the eastern and northern elevations in particular to minimise the visual prominence of the development in views to, from and over adjacent heritage items.
- All driveways and parking areas surrounding 748 Pacific Highway should be finished in dark asphalt to minimise their aesthetic impact on the setting of the heritage item.

Robyn Conroy BTP, M.Blt Env't (Conservation)